



IPW 1637

ARNOLD & PORTER LLP

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June 24, 2004

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Art Unit: 1637
Examiner: T.E. Strzelecka
Conf. No.: 8452

Re: U.S. Patent Application Serial No. 09/404,520 filed September 23, 1999
Inventors: Yongwei CAO *et al.*
Title: Emericella Nidulans Genome Sequence on Computer Readable
Medium and Uses Thereof
Atty. Dkt: 16517.081

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. Copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
3. Three (3) CD-Rs containing the corrected sequence listing (Computer Readable Form (CRF), Copy 1 and Copy 2);
4. Statement Regarding Sequence Submission; and
5. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.081. A duplicate copy of this letter is enclosed.

Sincerely,

David R. Marsh (Reg. No. 41,408)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yongwei CAO *et al.*

Appln. No.: 09/404,520

Filed: September 23, 1999

For: Emericella Nidulans Genome Sequence on Computer Readable Medium and Uses Thereof

Confirmation No. 8452

Art Unit: 1637

Examiner: T.E. Strzelecka

Atty. Docket: 16517.081

**Response to Notice to Comply With Requirements
for Patent Applications Containing Nucleotide Sequence
and/or Amino Acid Sequence Disclosures**

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed March 24, 2004, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

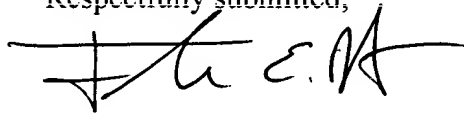
1. Copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. Three (3) CD-Rs containing the corrected sequence listing (Computer Readable Form (CRF), Copy 1 and Copy 2); and
3. Statement Regarding Sequence Submission.

Three (3) CD-Rs containing the corrected Sequence Listing in a file named pa_00243.rpt, which is 53,072,470 bytes in size (measured in MS-DOS), and which was created on April 30, 2004, are herein incorporated by reference.

Remarks

The Sequence Listing is herewith being provided in computer readable form. Two electronic copies (Copy 1 and Copy 2) are also being provided to satisfy the paper copy requirement. No new matter has been added.

Respectfully submitted,

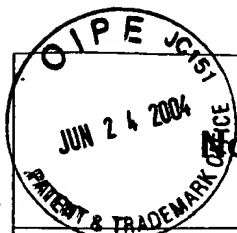
A handwritten signature in black ink, appearing to read 'T. E. Holsten', with a long horizontal stroke extending to the right.

Thomas E. Holsten (Reg. No. 46,098)

David R. Marsh (Reg. No. 41,408)

Date: June 24, 2004

ARNOLD & PORTER LLP
Attn: IP Docketing
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
(202) 942-5000 telephone
(202) 942-5999 facsimile



Notice to Comply

Application No.

09/404,520

Examiner

Teresa E Strzelecka

Applicant(s)

CAO ET AL.

Art Unit

1637

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

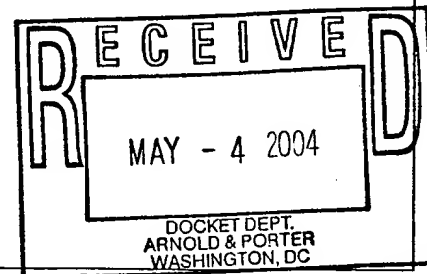
For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

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PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.821(f) and § 1.821(g), the CD-R copy of the amended Sequence Listing (Computer Readable Form (CRF)) submitted herewith is the same as the CD-R copies of the amended Sequence Listing (Copy 1 and Copy 2) submitted herewith.

Respectfully submitted,

Thomas E. Holsten (Reg. No. 46,098)

David R. Marsh (Reg. No. 41,408)

Date: June 24, 2004

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